



Ord. #5582

ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCE TITLE 9, CHAPTER 9-12, ARTICLE 1, SEC. 9-12-4, TITLED **"OPEN BURNING"** TO MEET THE REQUIREMENT RECENTLY ADOPTED BY THE TENNESSEE AIR POLLUTION CONTROL BOARD AND PLACED IN THE CERTIFICATE OF EXEMPTION (COE) ISSUED TO SHELBY COUNTY AND ALL OF ITS MUNICIPALITIES ON MAY 14, 2014, UNDER THE PROVISIONS OF THE TENNESSEE AIR QUALITY ACT, T.C.A. § 68-201-115 (e) *ET SEQ.*, TO AUTHORIZE AN EXPEDITED PROCESS TO GRANT WAIVERS FROM OPEN BURNING REGULATIONS.

WHEREAS, The State of Tennessee Air Pollution Control Board on May 14, 2014, approved a certificate of exemption (COE) for Unincorporated Shelby County and all its municipalities to allow for local authority to enforce air pollution regulations in lieu of state control of this environmental program throughout Shelby County; and

WHEREAS, The COE stipulated that the local open burning regulations provide an expedited process to grant waivers in order to ensure local compliance with recent legislation amending the Tennessee Code Annotated Section § 68-201-115(e) to provide for such expedited approval in limited situations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the City of Memphis Code of Ordinances, Section 9-12-4, OPEN BURNING, is hereby amended to provide the required stipulation by adding the following new paragraph (6) to Sub-section B which reads as follows:

- (6) Other open burning as may be approved by the health officer and with approval by the fire department, where there is no other practical, safe, and lawful method of disposal.

BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Myron Lowery, Chairman
Memphis City Council

ATTEST:

Comptroller

THE FOREGOING ORDINANCE
5582 PASSED

1st Reading 3-17-15

2nd Reading 4-7-15

3rd Reading 4-21-15

Approved [Signature]

Chairman of Council

Date Signed: 5/5/15

Approved: [Signature]

Mayor, City of Memphis

Date Signed: 5/9/15

I hereby certify that the foregoing is a true
copy, and said document was adopted by the
Council of the City of Memphis as above in-
dicated and approved by the Mayor.

Valerie C. Snipes

Comptroller